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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,620	11/05/2003	Junichi Noro	02410345AA	4870

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EXAMINER

VY, HUNG T

ART UNIT PAPER NUMBER

2821

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

**Office Action Summary**

Application No.

10/700,620

Applicant(s)

NORO ET AL.

Examiner

Hung T. Vy

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 April 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. In response to the amendment filed on 4/15/2005, claims 1-13 are pending in this application as a result of the addition of claims 12-13.

**Claim Rejections - 35 USC § 102**

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

35 U.S.C. § 102(e), as revised by the AIPA and H.R. 2215, applies to all qualifying references, except when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. For such patents, the prior art date is determined under 35 U.S.C. § 102(e) as it existed prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. § 102(e)).

3. Claim 1 is rejected under 35 U. S. C. § 102 (e) as being anticipated by Asano et al., U.S. patent No. 6,636,181.

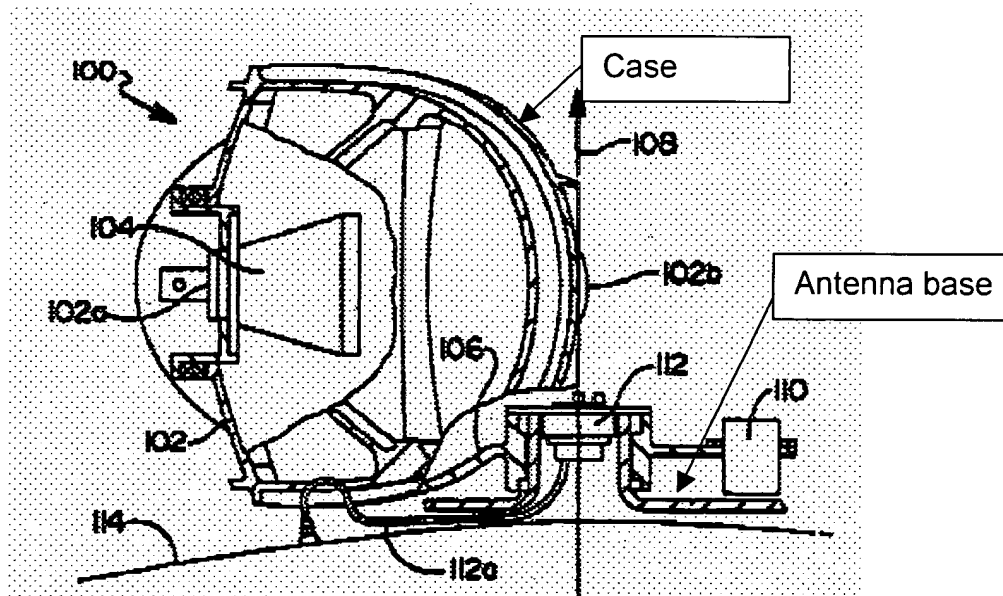
Claim 1, Asano et al. disclose an antenna apparatus, comprising: an antenna element 109, having directivity in a vertex direction; an antenna case 104, containing the antenna element 109; an antenna base 101, coupled to the antenna onto an installation face; and an angle regulator 103, adjusting a relative antenna case 104 and

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the antenna base 101 case, and attached angle 112 between the antenna case 104 and the antenna base 101(See fig. 2).

4. Claim 1-2, and 12-13 are rejected under 35 U. S. C. § 102 (e) as being anticipated by Desargant et al., U.S. patent No. 6,861,994.

Claim 1, Desargant et al. disclose an antenna apparatus, comprising: an antenna element 102,104, having directivity in a vertex direction; an antenna case 106 (See fig. below), containing the antenna element; an antenna base 112, 110, coupled to the antenna onto an installation face 114; and an angle regulator 103, adjusting a relative antenna case 104 and the antenna base 101 case, and attached angle between the antenna case 106 and the antenna base (See below) to optimize a sensitivity of the antenna element to a received signal.



Claim 2, Desargant et al. disclose a driving unit 112, driving the angle regulator so as to mechanically adjust the relative angle between the antenna case and the antenna base (See column 3, line 10-42).

Claim 12, Desargant et al. disclose the antenna apparatus, comprising: an antenna element 102, 104; an antenna case 106 (See fig. above); an antenna base 112, 110, coupled to the antenna case and attached onto an installation face 114; and a low noise amplifier circuit board 18,20, amplifying a signal received by the antenna element 108,104; wherein the antenna element 108,104 and the low noise amplifier circuit board 18,20 are contained in the antenna case; wherein the antenna base 112,110 is fixed to the installation face 114; and Wherein the antenna case is movable with respect to the antenna base (See column 3, line 10-42).

Claim 13, Desargant et al. disclose an angle regulator, adjusting a relative angle between the antenna case and the antenna base to optimize a sensitivity of the antenna element to the received signal (See column 3, line 10-42).

### **Claim Rejections - 35 U.S.C. § 103**

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-3 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Asano et al., U.S. patent No. 6,636,181 or Desargant et al., U.S. Patent No. 6,636,181 in view of Nishikawa et al., U.S. Patent No. 6,034,643.

Claims 2-3, Asano et al. or Desargant et al. disclose all limitation of invention except for a driving unit, driving the angle regulator so as to mechanically adjust the

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relative angle between the antenna case and the antenna base, detector. However, Nishikawa et al. disclose a driving unit, driving the angle regulator so as to mechanically adjust the relative angle between the antenna case 22 and the antenna base 12 (See column 2, line 59-64), detector 42, detecting a condition of radio-wave received by the antenna element, a controller, controlling the driving unit base 12 on the condition of the radio-wave detected by the detector (See column 13, line 1—25). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify Asano et al. or Desargant et al. to have a driving unit as taught by Nishikawa et al. The motivation for doing so would have been to provide the driving unit in order to get better the signal.

7. Claim 4 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Asano et al., U.S. patent No. 6,636,181 or Desargant et al., U.S. Patent No. 6,636,181 in view of Imura et al., U.S. Patent No. 5,909,653.

Claim 4, Asana et al. or Desargant et al. disclose all limitations of invention except for a plunger. However, Imura et al. disclose plunger (see fig. 3). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify Asano et al. or Desargant et al. to have plunger as taught by Imura et al. The motivation for doing so would have been to provide the plunger in order to get stable the antenna.

8. Claims 5-11 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Asano et al., U.S. patent No. 6,636,181 or Desargant et al., U.S. Patent No. 6,636,181 in view of Ogino et al., U.S. Patent No. 5,805,113.

Claims 5-11, Asana et al. or Desargant et al. disclose all limitations of invention except for a hook hole, a drawing-out groove. However, Ogino et al. disclose hook hole and a drawing-out groove (See fig 6 or column 3, line 29-35). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify Asano et al. to have mount bracket and a drawing-out groove for cable as taught by Ogino et al. The motivation for doing so would have been to provide mount and a drawing-out groove in order to easy to install in a vehicle.

### **Response to Arguments**

9. Applicant's arguments filed on 4/15/2005 have been fully considered but they are not persuasive. Applicant made the following arguments:

- a. "The is no coupling an antenna to installation face in the present invention." , page 7 first full paragraph.
- b. "the examiner state that there is an angle regulator 103, adjusting a relative antenna case 104and the antenna base 101 case, and attached angle 112 between the antenna case 104 and the antenna base. It is not true since the lid portion of laptop with the Examiner considers as analogical to the claimed antenna case does not have an antenna inside " page 7 first paragraph.
- c. "Asano fails to show the feature "the antenna element having directivity in a vertex direction." As recited in claim 1" page 7, second full paragraph.

In response to Applicant's argument a above, the applicant's arguments are not persuasive because an installation face can be a docking of notebook. The claim 1

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does not recite that antenna case, **only** containing the antenna element so Asano et al. disclose an antenna case 104, containing the antenna element 109.

In response to Applicant's argument **b** above, the applicant's arguments are not persuasive because Asano et al. disclose the case antenna 104, contain antenna elements 109, 111 and an angle regulator 103 can adjust the angle 112 to get the better signal. The third antenna element 111 and the second antenna element 109 are function when the lid part 104 is closed (at this time, the angle of 112 equals  $0^0$ ) (see column 6, line 1-20). In this case, to get the better result, the angle 112 equal  $0^0$ . When the lid part 104 open, the antenna 109 still works as in fig. 7.

In response to Applicant's argument c above, the applicant's arguments are not persuasive because Asano et al. disclose the antenna element 111 having directivity in a vertex direction.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of



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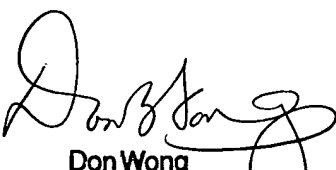
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Vy whose telephone number is (571) 272-1954.

The examiner can normally be reached on Monday-Friday 8:30 am - 5:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 308-7722 for After Final communications.

Information regarding the status of an application may be obtained from the patent Application Information Retrieval (PAIR) system. Status information for published application may be obtained from either private Pair or Public Pair. Status information for unpublished applications is available through Private Pair only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have question on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hung T. Vy  
Art Unit 2821.  
May 27, 2005.

  
Don Wong  
Supervisory Patent Examiner  
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